

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION**

**ROBBIE KEETON GEIGER, as Administratrix
of the Estate of Ricky Keith Keeton, Deceased;
DELISHA KEETON MOONEY; and
MEGAN ARCHER**

PLAINTIFFS

VS.

CAUSE NO. 1:16-CV-00095-DMB-DAS

**MONROE COUNTY, MISSISSIPPI;
and ERIC SLOAN**

DEFENDANTS

**PLAINTIFFS' RESPONSE IN OPPOSITION TO DEFENDANTS' RULE 12(b)(1)
MOTION TO DISMISS FOURTH AMENDMENT WRONGFUL SEIZURE CLAIM [254]**

Plaintiffs responds to Defendants' Rule 12(b)(1) Motion to Dismiss Fourth Amendment Wrongful Seizure Claim [254] as follows:

1. Defendants' claim that they can file a motion to dismiss on grounds of Article III standing is also erroneous. *Abraugh v. Altimus*, 26 F.4th 298 (5th Cir. 2022), repeats the familiar holdings, that Article III standing exists when there is "an 'injury in fact,'" which is "fairly traceable to the challenged action of the defendant," and . . . that is 'likely ... redress[able] by a favorable decision'. . . ." *Abraugh*, 26 F.4th at 304.

2. Plaintiffs became the owners of Keeton's property upon his death, and there has been in "injury in fact" which Defendant County misappropriated. If a jury should rule in favor of Plaintiffs, then the injury can be redressed by this Court.

3. For the reasons stated in Plaintiffs' Brief in Opposition to Defendants' Rule 12(b)(1) Motion to Dismiss Fourth Amendment Wrongful Seizure Claim, being filed simultaneously herewith, Defendants' motion is not well taken and should be denied.

RESPECTFULLY SUBMITTED, this the 13th day of April, 2022.

ROBBIE KEETON GEIGER, DELISHA KEETON
MOONEY, and MEGAN ARCHER, Plaintiffs

By: /s/ Jim Waide

Jim Waide, MS Bar No. 6857
waide@waidelaw.com
Rachel Pierce Waide, MS Bar No. 100420
rpierce@waidelaw.com
WAIDE & ASSOCIATES, P.A.
332 North Spring Street
Tupelo, MS 38804-3955
Post Office Box 1357
Tupelo, MS 38802-1357
(662) 842-7324 / Telephone
(662) 842-8056 / Facsimile

R. Shane McLaughlin, MS Bar No. 101185
rsm@mclaughlinlawfirm.com
McLAUGHLIN LAW FIRM
347 North Spring Street
Tupelo, MS 38804-3943
Post Office Box 200
Tupelo, MS 38802-0200
(662) 840-5042 / Telephone
(662) 840-5043 / Facsimile

ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF SERVICE

This will certify that undersigned counsel for Plaintiffs has this day filed the above and foregoing with the Clerk of the Court, utilizing the federal court electronic case data filing system (CM/ECF), which sent notification of such filing to the following:

Arnold U. Luciano, Esquire
Jacks Griffith Luciano, P.A.
aluciano@jlpalaw.com
vsmith@jlpalaw.com
mhankins@jlpalaw.com
lvavulpen@jlpalaw.com

Bethany A. Tarpley, Esquire
Jacks Griffith Luciano, P.A.
btarpley@jlpalaw.com
dlivingston@jlpalaw.com
vsmith@jlpalaw.com
ballday@jlpalaw.com

Daniel J. Griffith, Esquire
Jacks Griffith Luciano, P.A.
dgriffith@jlpalaw.com
vsmith@jlpalaw.com
lvavulpen@jlpalaw.com
aluciano@jlpalaw.com

Jamie Ferguson Lee, Esquire
Jacks Griffith Luciano, P.A.
jamie@jlpalaw.com
mlott@jlpalaw.com
vsmith@jlpalaw.com

DATED, this the 13th day of April, 2022.

/s/ Jim Waide

Jim Waide